

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
JUN 15 2006
JOHN F. CORCORAN, CLERK
BY: J. Farabee
DEPUTY CLERK

UNITED STATES OF AMERICA,

v.

LAMONT DARNELL PAYNE,

Defendant.

CRIMINAL CASE No. 3:04-CR-00047-02

NOTICE AND ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on counsel's motion to withdraw or accept appointment as counsel for Lamont Payne, filed by John B. Mann on June 12, 2006. Mr. Mann cites the inability or unwillingness of Defendant and his family to satisfy the financial obligations of the contract for representation as grounds for the motion.

It is not the practice of the Court to appoint lawyers who have been retained, which would disrupt the CJA appointment procedure currently in place.

Further, it is premature to permit counsel to withdraw. The representations contained in Mr. Mann's motion do not suffice to establish either (1) that his withdrawal can be accomplished without material adverse effect on Defendant's interests, or (2) that Defendant has been given reasonable warning that he will withdraw unless the financial obligations of the contract for representation are fulfilled. *See* Va. Rules of Prod. Conduct R. 1.16(b), (b)(4).

It is ORDERED that counsel has seven (7) days from the date of this Order to supplement

his motion. It is also ORDERED that Defendant has seven (7) days from the date of this Order to note any objections to Mr. Mann's withdrawal.

It is so ORDERED.

The Clerk of the Court is directed to send certified copies of this Notice and Order to all Counsel of Record, and to Defendant.

ENTERED:

Norman E. Mann
U.S. District Judge

June 15, 2006
Date